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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,023	02/05/2001	Hidekazu Shimizu	NAK1-BN75	2416

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EXAMINER

SRIVASTAVA, VIVEK

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/777,023	SHIMIZU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vivek Srivastava	2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,12,13,18,23-25,30,35,36,41 and 46-50 is/are rejected.
- 7) ☒ Claim(s) 3-6,8-11,14-17,19-22,26-29,31-34,37-40 and 42-45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 12, 24 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eda et al (5,760,820) in view of Applicant's Background.**

**Regarding claims 1, 12, 24 and 35** Eda discloses a digital signal transmission system (see col 7 lines 4-10) comprising an information stream generator 107 (see col 12 – 18), noting that information stream generator 107 meets the claimed 'authoring apparatus' limitation and a program multiplexers 115, 116, 117 (see fig 1) noting that the claimed program multiplexer meets the claimed 'transmission apparatus' limitation. Eda further discloses information stream generator 107 includes a generating means 108 for generating emergency information or 'event' comprising a text message (see Abstract). Eda further discloses program number adder 114 (see fig 1) which processes video stream content 1, 2...k by adding the emergency event information to be transferred to transmission multiplexers 115, 116, 117 (see fig 1).

Eda fails to disclose the claimed event message should be transmitted immediately after an operator's instruction to transmit the event message is inputted.

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Applicants Background also teaches an event message generation and insertion system in which the event message is read out and transferred to a multiplexing unit for transmission immediately after receiving an operator's instruction to issue the event message. It would have been obvious modifying the emergency event information system of Eda to include the claimed limitation would have enabled added control as to when the operator wanted the information to be transferred. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Eda to include the claimed limitation to enable better operator control as to when the transfer the emergency event message.

**Claims 2, 7, 13, 18, 25, 30, 36, 41 and 47 – 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eda in view of Applicant's Background as applied to claim 1 above, and further in view of Inoue et al (4,015,074).**

**Regarding claim 2,** Eda discloses the emergency event information includes the event message and priority information or 'tag information' to ensure priority emergency information is quickly displayed (see Abstract, col 8 lines 26 – 39, col 10 lines 3 – 65). The Applicant's background, as discussed above, teaches transmitting from the transmission apparatus immediately after the operator's instruction is inputted. The combination of Eda and the Applicant's Background fails to disclose (a) tag information allowing the authoring apparatus to recognize that the event message should be transferred to the transmission apparatus before the operator's instruction is inputted

and (b) transmitted from the transmission apparatus immediately after the operator's instruction is inputted.

In analogous art, Inoue et al teaches system for transmitting alarm information wherein the transmission of the alarm information is performed automatically or manually in the emergency.

It would have been obvious to modify the combination of Eda and the Applicant's background to include the claimed tag information to ensure in cases of high priority emergency that tag information is transmitted automatically i.e. before the operator's instruction is inputted or manually i.e. after the operator's instruction is inputted in cases of low priority or less severe emergencies thereby providing a method of providing emergency information as fast as possible in high priority instances and which adding operator control in less severe instances. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Eda and Applicant's background to include the claimed limitation to enable providing high priority emergency information as fast as possible while also providing operator control.

**Claims 7, 13, 18, 25, 30, 36 and 41** are met by the discussions for claim 2 above.

**Regarding claims 47 and 48**, Eda discloses a receiver with a discriminator which reads priority information which describes processing i.e. forcible display which the receiving apparatus should perform when receiving the event message (see col 9 line 50 – col 10 line 8). It is noted that the computer-readable medium is inherent in the

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receiving apparatus to record or store event information for priority processing in the discriminator. It is further noted that event information, tag information and rest of the claimed limitations are met by the discussions above.

**Claims 49 and 50** are met by the discussions above.

**Claims 23 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Background in view of Eda et al (5,760,820).**

**Regarding claims 23 and 46**, Applicant's Background discloses an event message storage unit 513a (fig 1) for storing an event message included in event information. Applicant's Background further discloses an issuing means for issuing the event message stored in the storing means by receiving an operator's instruction to transmit the event message (see page 4 line 15 – page 5 line 8). Applicant's Background further discloses a multiplexing means for multiplexing and transmitting the issued event message with a content that has been transferred from the authoring apparatus (see Multiplexing unit 514 – fig 1).

Applicant's Background fails to disclose storing means for storing event message transferred from an authoring apparatus.

In analogous art, Eda teaches an information stream generator 107 which transfers the authored event message signal to the transmission multiplexer 110 (see fig 1). It would have been obvious to one having routine skill in the art to include the generation of the event message signal in the authoring unit 501 of Applicant's Background (see fig 1) to enable editing of content and event messages from a single location in lieu of two locations. Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify Applicant's Background based on the teachings of Eda to enable editing or authoring from a single location in lieu of two locations.

### ***Allowable Subject Matter***

**Claims 3 - 6, 8 - 11, 14 - 17, 19 - 22, 26 - 29, 31 - 34, 37 - 40 and 42 - 45** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kauffman et al (5,260,778) – Distribution of messages over a network

Manson et al (6,543,051) – Emergency alert system

Wistendahl et al (6,496,981) – Converting media content for interactive use

Barger et al (5,945,986) – Sound authoring system and method


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305-4038. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs  
2/4/05

  
VIVEK SRIVASTAVA  
PRIMARY EXAMINER